

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:19-CV-240-FL

HENSLER SURGICAL PRODUCTS, LLC,)
)
Plaintiff,)
)
v.) ORDER
)
TOBRA MEDICAL, INC.,)
)
Defendant.)

This matter is before the court on defendant's motion to stay the case pending ex parte reexamination of the at-issue patent by the United States Patent and Trademark Office. Where plaintiff consents to defendant's motion, and for the reasons stated in defendant's memorandum of law, and upon consideration of the entire record herein, and for good cause shown, the court GRANTS defendant's motion to stay. The case is STAYED pending completion of the reexamination and any appeal therefrom.

The parties are DIRECTED to file status report regarding the status of the ex parte reexamination every **90 days**, or upon completion of the reexamination and any appeal therefrom, whichever is sooner. Any status report filed upon completion of the reexamination and any appeal therefrom shall indicate the status of this case, including if necessary, a revised discovery and case management plan.

Where the case is stayed pending completion of the reexamination, the court DIRECTS the clerk to terminate defendant's pending motion to dismiss. Defendant will be permitted to refile its motion upon completion of the reexamination, if necessary.

SO ORDERED, this the 10th day of June.



LOUISE W. FLANAGAN
United States District Judge